

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**COURTNEY O. HUNT**

**PLAINTIFF**

**v.**

**No. 1:10CV137-A-A**

**LEE COUNTY TUPELO ADULT JAIL, ET AL.**

**DEFENDANTS**

**ORDER OF DISMISSAL**

The court takes up, *sua sponte*, the dismissal of this cause. The court set a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5<sup>th</sup> Cir. 1985) to be held on July 15, 2010. In that order, the court required the plaintiff to keep the court informed of his current address. The order cautioned the plaintiff that “failure to comply with the requirements of this order may lead to the dismissal of this lawsuit under Rule 41(b), Federal Rules of Civil Procedure, for failure to prosecute and failure to comply with an order of the court.” Despite this warning, the plaintiff did not inform the court that he was no longer housed in the Lee County Tupelo Adult Jail, as the court attempted to issue a writ of *habeas corpus ad testificandum* to ensure the plaintiff attended the *Spears* hearing and was informed that he is no longer there. This case is therefore **DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b).

**SO ORDERED**, this the 14<sup>th</sup> day of July, 2010.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**